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RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
AUG 15 2 36 PM '94

August 9, 1994

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The General Counsel
Federal Election Commission
999 E Street NW
Washington, DC 20463

Counselor:

This letter is written on behalf of Frank G. Simon, MD, Arthur A. Cerminara and Freedom's Heritage Forum in response to the complaint of Maureen Keenan and to demonstrate that no action should be taken on the complaint.

The complaint consists of number paragraphs some stating facts, some stating conclusions, some blending facts and conclusions and some unclear. For purposes of this response it is the understanding of counsel for the Respondents, upon review of the complaint, that the complaint may be reduced to seven main issues. The issues raised appear to be:

1. the identity of the committee that is complained of. (Complaint paragraph 8)
2. whether the expenditures of the committee are independent expenditures or contributions. (Complaint paragraph 11)
3. that schedule A was omitted from the July 7, 1994 FEC report. (Complaint paragraph 16)
4. that a notice was omitted on certain tabloids. (Complaint counts 1 through 4)
5. that a certification was omitted in FEC report schedule E. (Complaint paragraph 22)
6. that twenty-four hour report were omitted for nine expenditures. (Complaint counts 7 through 15).

7. that certain reports required to be filed with the Kentucky Secretary of State were not so filed. (Complaint count 16)

Respondents submit that no action should be taken for the following reasons:

1. It is unclear what committee is complained against, if any, other than the 1994 Freedom's Heritage Forum. The Complaint references reports for many years past. It appears that some of the complaints are barred by applicable statutes of limitations or equitable principles.
2. All expenditures of the committee were independent expenditures.
3. Respondents were not required to attach Form 3-X Schedule A to its 1994 Form 3-X report because no reputable contribution was received.
4. The four tabloids contain the notice that is required for such tabloids. Regulation 11 CFR 110.11 (A)(1) requires the notice to meet the requirements of 11 CFR 110.11 (A)(1)(iv). The tabloids comply with that section.
5. An amended schedule E to the 1994 FEC report with proper signatures is attached.
6. Respondents are unable to provide proof that the twenty-four hour reports required to be filed were so filed. Respondents will provide whatever reports are necessary or requested, and will ensure that such reports are timely filed, and proof thereof retained, in the future. Respondents are investigating this issue further and if reports were omitted, it was by mistake and respondents will take steps to prevent a recurrence.
7. It is unknown to respondents what "reports and statements" were not filed with the Kentucky Secretary of State or Kentucky Registry of Election Finance, however, respondents are willing to file all required reports and have made their best effort to do so.
8. It should be noted there is no 11 CFR §101.2 (a)(3) as alleged in the complaint.

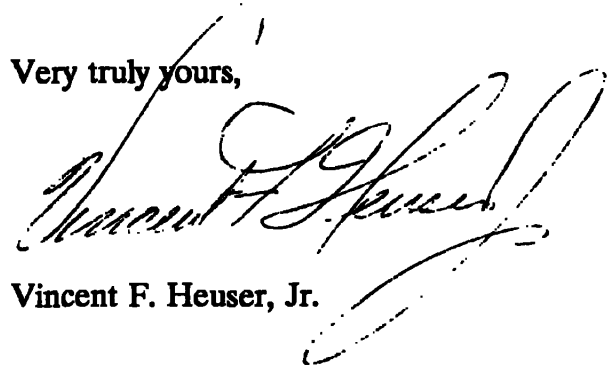
At this time, respondents deny all allegations of the complaint that are not matters of public record. Respondents have made a good faith effort to comply with all applicable laws and regulations, are willing to take steps to correct any deficiencies and believe that no action by the commission is necessary to accomplish full compliance by the respondents.

The respondents submit that best efforts have been used to maintain and submit the

information required of this political committee. For that reason, the reports of the committee should be considered in compliance, pursuant to 2 USC 432(I) and 11 CFR §104.7(A).

If any further additional information is necessary or if you have any questions, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Vincent F. Heuser, Jr.", written in dark ink.

Vincent F. Heuser, Jr.

Attachment: Schedule E to 1994 Form 3-X
VFH/tc

28044203446

ITEMIZED INDEPENDENT EXPENDITURES

Page 1 of 2 Pages

(See Reverse Side for Instructions)

Name of Committee (in Full)					
Full Name, Mailing Address & ZIP Code of Each Payee		Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
KEN SNYDER ADVERTISING, INC. 2442 TYLER LN. LOUISVILLE, KY 40205		CONSULTATION AND LAYOUT OF TABLOIDS	5/4/94	\$1,000.00	TIM HARDY, SUPPORT SUSAN STOKES, OPPOSE KY-3RD CONGRESS. DISTRICT <input type="checkbox"/> Support <input type="checkbox"/> Oppose
LOUISVILLE LETTER SERVICE 4701 PINEWOOD RD. LOUISVILLE, KY 40218		FOLDING, STUFFING AND MAILING	5/10/94	2,500.00	TIM HARDY, SUPPORT SUSAN STOKES, OPPOSE KY-3RD CONGRESS. DISTRICT <input type="checkbox"/> Support <input type="checkbox"/> Oppose
LOUISVILLE LETTER SERVICE 4701 PINEWOOD RD. LOUISVILLE, KY 40218		PRINTING, FOLDING, STUFFING, MAILING APPEAL LETTERS	5/11/94	1,400.00	TIM HARDY, SUPPORT SUSAN STOKES, OPPOSE KY-3RD CONGRESS. DISTRICT <input type="checkbox"/> Support <input type="checkbox"/> Oppose
LOUISVILLE LETTER SERVICE 4701 PINEWOOD RD. LOUISVILLE, KY 40218		PRINTING, FOLDING, STUFFING, MAILING PRO-LIFE LETTERS	5/11/94	1,353.83	TIM HARDY, SUPPORT SUSAN STOKES, OPPOSE KY-3RD CONGRESS. DISTRICT <input type="checkbox"/> Support <input type="checkbox"/> Oppose
LOUISVILLE LETTER SERVICE 4701 PINEWOOD RD. LOUISVILLE, KY 40218		PRINTING, STUFFING MAILING LETTERS	5/11/94	1,670.51	TIM HARDY / SUSAN STOKES RON LEWIS / JOE PRATHER 3RD & 2ND CONGRESS. DISTRICTS <input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose
LOUISVILLE LETTER SERVICE 4701 PINEWOOD RD. LOUISVILLE, KY 40218		PRINTING, STUFFING, MAILING PRO-LIFE CANDIDATE ROSTER	5/17/94	750.00	TIM HARDY / SUSAN STOKES RON LEWIS / JOE PRATHER 3RD & 2ND CONGRESS. DISTRICTS <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
(a) SUBTOTAL of Itemized Independent Expenditures				\$ 8,674.34	
(b) SUBTOTAL of Unitemized Independent Expenditures (Non-federal)				\$ 2,070.06	
(c) TOTAL Independent Expenditures				\$	See page 2

Under penalty of perjury I certify that the independent expenditures reported herein were not made in cooperation, consultation, concert with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore, these expenditures did not involve the financing of dissemination, distribution, or republication in whole or in part of any campaign materials prepared by the candidate, his campaign committee, or their agent.

Arthur A. Ciminara 11 AUG 94
Signature Date

Subscribed and sworn to before me this 11th day of August, 19 94

My Commission expires:

1-16-96

NOTARY PUBLIC

Paula D. Jones

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ITEMIZED INDEPENDENT EXPENDITURES

Page 2 of 2 Pages

(See Reverse Side for Instructions)

Name of Committee (In Full)					
Full Name, Mailing Address & ZIP Code of Each Payee		Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
FREEDOM'S HERITAGE FORUM					
KINKO'S COPIES 4121 SHELBYVILLE RD. LOUISVILLE, KY 40207		30,000 COPIES "THE LETTER" HEADLINE AND TEXT	5/20/94	\$ 1,116.71	SUSAN STOKES 3RD CONGRESS. DISTRICT <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
LOUISVILLE LETTER SERVICE 4701 PINWOOD RD. LOUISVILLE, KY 40218		FOLDING, ADDRESSING & MAILING 30,000 COPIES	5/20/94	\$ 2,400.00	SUSAN STOKES 3RD CONGRESS. DISTRICT <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
PUBLISHERS PRINTING CO., INC. P.O. Box 37500 LOUISVILLE, KY 40233		PRINTING 40,000 BROCHURES	5/31/94	\$ 2,400.00	TIM HARDY, SUPPORT SUSAN STOKES, OPPOSE 3RD CONGRESS. DISTRICT <input type="checkbox"/> Support <input type="checkbox"/> Oppose
LOUISVILLE LETTER SERVICE 4701 PINWOOD RD. LOUISVILLE, KY 40218		LETTERS, Fliers, TABLOIDS, ENVELOPES, SAMPLE BALLOTS, MAILINGS	6/9/94	\$ 5,081.65	SUPPORT FOR PRO-LIFE CANDIDATES TIM HARDY, RON LEWIS 3RD & 2ND CONGRESS. DISTRICTS <input type="checkbox"/> Support <input type="checkbox"/> Oppose
DEBBIE COOPER SHEPHERDSVILLE, KY 40165		1500 COPIES - BULLITT COUNTY VOTER GUIDE	6/9/94	\$ 50.00	RON LEWIS, SUPPORT JOE PRATHER, OPPOSE 2ND CONGRESS. DISTRICT <input type="checkbox"/> Support <input type="checkbox"/> Oppose
					<input type="checkbox"/> Support <input type="checkbox"/> Oppose
(a) SUBTOTAL of Itemized Independent Expenditures				\$ 11,048.36	
(b) SUBTOTAL of Unitemized Independent Expenditures				\$ 976.05	
(c) TOTAL Independent Expenditures				\$ 22,788.81	

Under penalty of perjury I certify that the independent expenditures reported herein were not made in cooperation, consultation, concert with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore, these expenditures did not involve the financing of dissemination, distribution, or republication in whole or in part of any campaign materials prepared by the candidate, his campaign committee, or their agent.

Arthur J. Perminara 11 Aug 94
Signature

Subscribed and sworn to before me this 11th day of August, 19 94

My Commission expires:

1-16-96

Paula D. Jones
NOTARY PUBLIC

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